
By: **Delegate Arnick**

Introduced and read first time: January 26, 2004

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Courts - Negligence Actions - Evidence of Motor Vehicle Driver's Operation**
3 **of Hand-Held Telephone**

4 FOR the purpose of providing that evidence of a motor vehicle driver's operation of a
5 hand-held telephone may be considered by the trier of fact in determining
6 whether the driver was negligent under certain circumstances; providing for
7 certain exceptions; providing for the application of this Act; and generally
8 relating to evidence in a negligence action of a driver's operation of a hand-held
9 telephone.

10 BY adding to

11 Article - Courts and Judicial Proceedings

12 Section 10-920

13 Annotated Code of Maryland

14 (2002 Replacement Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Courts and Judicial Proceedings**

18 10-920.

19 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EVIDENCE
20 THAT A DRIVER OF A MOTOR VEHICLE OPERATED A HAND-HELD TELEPHONE WHILE
21 THE MOTOR VEHICLE WAS IN MOTION AND AT OR NEAR THE TIME OF AN ACCIDENT
22 IN WHICH THE MOTOR VEHICLE WAS INVOLVED MAY BE CONSIDERED BY THE TRIER
23 OF FACT IN A NEGLIGENCE ACTION ARISING OUT OF THE ACCIDENT IN
24 DETERMINING WHETHER THE DRIVER WAS NEGLIGENT.

25 (B) THIS SECTION DOES NOT APPLY TO THE OPERATION OF A HAND-HELD
26 TELEPHONE BY:

27 (1) A DRIVER CALLING THE 9-1-1 EMERGENCY TELEPHONE SYSTEM OR
28 A PUBLIC SAFETY AGENCY IN CONNECTION WITH AN EMERGENCY;

1 (2) AN EMPLOYEE OF AN ELECTRIC COMPANY, GAS COMPANY, OR
2 TELEPHONE COMPANY, AS DEFINED IN § 1-101 OF THE PUBLIC UTILITY COMPANIES
3 ARTICLE, IN CONNECTION WITH EMERGENCY COMMUNICATIONS; OR

4 (3) AN OPERATOR OF AN EMERGENCY VEHICLE, AS DEFINED IN § 11-118
5 OF THE TRANSPORTATION ARTICLE, WHILE ACTING IN AN OFFICIAL CAPACITY.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
7 construed to apply only prospectively and may not be applied or interpreted to have
8 any effect on or application to any case filed before the effective date of this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2004.